

Division of Solid and Hazardous Waste
P.O. Box 414
Trenton, NJ 08625-0414
Tel. #609-984-6880
Fax. #609-777-0769

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Anthony A. Peterpaul, President
Advanced Enterprises Recycling, Inc.
540 Doremus Avenue
Newark, New Jersey 07105

RE: General class B Recycling Center Modification
Advanced Enterprises Recycling, Inc.
City of Newark, Essex County
Facility No. 0714001202

Dear Mr. Peterpaul:

This letter is in response to the modification request dated December 3, 1999, submitted on your behalf by Robert C. Ciolek of Drinker, Biddle and Shanley, LLP, wherein following modification to the General Approval issued to Advanced Enterprises Recycling, Inc., dated May 5, 1998 was requested:

? To extend the hours of operation, for a three month period, from to 6:00 a.m. to 12:00 a.m. (midnight), Monday through Saturday.

Our review of this modification request has been completed and, as a result we have found the modification to be acceptable.

Enclosed is the revised recycling center Approval, which indicates the modification to the effected Conditions (B.1 and C.1). In addition, Conditions C.2, C.6, C.15, C.18, C.19 and C.23 have been added/updated in this Approval.

If you have any questions regarding this matter, please contact Carolyn Hansel, of my staff, at (609) 984-6650 or by e-mail at chansel@dep.state.nj.us.

Sincerely,

Thomas Sherman,
Assistant Director
Office of Permitting
& Technical Programs

TS:CH

Enclosure

c: Rai Belonzi, Chief, Bureau of Inspections & Investigations, w/enc.
Scott Brubaker, Bureau of Inspections & Investigations, w/enc.
Martin Lund, Essex County Solid Waste Coordinator, w/enc.
Municipal Clerk, City of Newark, w/enc.
Rob Ciolek, Drinker, Biddle, Shanley, LLP, w/enc.

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**RECYCLING CENTER
GENERAL APPROVAL CONDITIONS
FOR RECEIPT, STORAGE, PROCESSING OR TRANSFER
OF CLASS B RECYCLABLE MATERIALS**

Under the provision of N.J.S.A. 13:1E-1 et seq. and N.J.S.A. 13:1E-99.11 et seq., known as the Solid Waste Management Act and the New Jersey Statewide Mandatory Source Separation and Recycling Act, respectively, and pursuant to N.J.A.C. 7:26A-1 et seq., known as the Recycling Regulations, this Approval is hereby issued to:

Advanced Enterprises Recycling, Inc.

| | |
|---------------------------|--|
| MUNICIPALITY: | <u>City of Newark</u> |
| BLOCK NO.(S): | <u>5070</u> |
| LOT NO.(S): | <u>41, 43 and part of 25</u> |
| COUNTY: | <u>Essex</u> |
| CAPACITY: | <u>450 TPD Wood</u> <u>50 TPD Leaves uncomposted)</u> |
| RECYCLING CENTER NUMBER: | <u>0714001202</u> |
| APPROVAL EXPIRATION DATE: | <u>April 16, 2003</u> |

This Approval is subject to compliance with all conditions specified herein and all regulations promulgated by the Department of Environmental Protection or as may be amended in the future. All references to specific regulations include any future amendments thereto.

This Approval shall not prejudice any claim the State may have to riparian land, nor does it allow Advanced Enterprises Recycling, Inc. or its principals to fill or alter, in any way, lands that are deemed to be riparian, wetlands, stream encroachment areas or flood plains, or that are within the Coastal Area Facility Review Act (CAFRA) Zone or are subject to the Pinelands Protection Act of 1979, nor shall it

allow the discharge of pollutants to waters of this State without prior acquisition of the necessary grants, permits, or approvals from the Department of Environmental Protection.

Compliance with the terms of this Approval does not relieve Advanced Enterprises Recycling, Inc. or its principals of the obligation to comply with all applicable state and federal statutes, rules and other permits, and municipal approvals or ordinances which are not preempted by the DEP solid waste regulations at N.J.A.C. 7:26-1 et seq. and the recycling regulations at N.J.A.C. 7:26A-1 et seq.

Failure to comply with all the conditions specified herein may result in revocation of this Approval and/or may result in other regulatory or legal actions which the Department is authorized to institute by law.

This Approval shall be effective for not more than five (5) years. An Approval renewal shall be obtained from the Department prior to any activities which are to occur after the expiration of this Approval. In applying for a renewal, applicants shall follow the renewal submission requirements and procedures set forth in N.J.A.C. 7:26A-3.6.

This Approval is non-transferrable, except as set forth in N.J.A.C. 7:26A-3.15.

April 16, 1998

Approval Date

Signed by Thomas Sherman, Assistant Director

Thomas Sherman

Assistant Director

December 29, 1999

Modification Date

Office of Permitting &
Technical Programs

April 16, 2003

Expiration Date

**Recycling Center General Approval
for
Advanced Enterprises Recycling, Inc.**

A. AUTHORIZED RECYCLABLE MATERIALS

1. Permitted Class B Recyclable Materials

The following source separated Class B recyclable materials which have been separated at the point of generation from other waste materials or separated at a permitted solid waste facility authorized to separate recyclable materials may be received, stored, processed or transferred at this facility:

Wood (specifically non-chemically treated and painted)
Tree trunks, tree parts and tree stumps
Woody brush and trimmings
Leaves (uncomposted)

At no time shall the receipt, storage, processing or transferring of non-source separated construction and demolition material be allowed at this facility. The prohibition of this material shall be strictly enforced and any incident shall be considered a serious violation to the conditions of this Approval.

2. By-Products

Incidental amounts of rebar, metal, soil and other by-products which adhere to the Class B recyclable materials as specified in Condition A.1 and returned to the economic mainstream as raw material or products, may be received, stored, processed or transferred at this facility. Its receipt shall not be separately accounted for but its storage and end-markets shall be subject to specific conditions of this Approval.

3. Contaminants

The maximum amount of contaminants, as defined in N.J.A.C. 7:26A-1.3, allowed in each incoming load of Class B recyclable materials for acceptance shall be limited to 1% by volume.

Incidental by-product materials included within the Class B recyclable materials shall not be considered to be contaminants.

B. DESIGN AND CONSTRUCTION

The construction of this facility shall be in accordance with the provisions of N.J.A.C. 7:26A-1 et seq., the New Jersey Uniform Construction Code, the approved documents listed below

and this Approval.

1. Approved Documents

(Revised 12/29/99)

- ? Site Plan: titled Proposed Site Plan, prepared by The Calvin Gibson Group, signed and sealed by Calvin S. Gibson, P.L.S., on March 29, 1990, April 15, 1993, last revised on January 9, 1996.
- ? Advanced Enterprises Recycling, Inc. - Letter and attachments dated December 21, 1992, prepared by Larry N. Paragano of Advanced Enterprises Recycling, Inc.
- ? Advanced Enterprises Recycling, Inc. - Modification request letter and attachments, dated January 11, 1996, prepared by Anthony A. Peterpaul of Advanced Enterprises Recycling, Inc.
- ? Advanced Enterprises Recycling, Inc. - "Fire Plan Approval" Newark Fire Department, dated February 16, 1996, signed by Nicholas Ianuzeli, Fire Prevention Division.
- ? Advanced Enterprises Recycling, Inc. - Permit Renewal Application, dated January 27, 1998, prepared by Anthony A. Peterpaul of Advanced Enterprises Recycling, Inc.
- ? Advanced Enterprises Recycling, Inc. - Modification request letter and attachment, dated April 3, 1998, prepared by Anthony A. Peterpaul of Advanced Enterprises Recycling, Inc.
- ? Advanced Enterprises Recycling, Inc. - Modification request letter, dated December 3, 1999, prepared by Robert C. Ciolek of Drinker, Biddle and Shanley, LLP.

C. RECYCLING CENTER OPERATIONAL STANDARDS

The operation of this facility shall be in accordance with the provisions of N.J.A.C. 7:26A-1 et seq., the standards set forth herein and the approved documents specified in Condition B.1. Where any discrepancy exists, the terms of this Approval shall prevail.

1. Hours of Operation

(Revised 12/29/99)

a) Temporary hours

For the time period of December 29, 1999 through March 29, 1999, the hours of operation for receiving, storing, processing or transferring source separated recyclable material as specified in Condition A.1 of this Approval, shall be limited to 6:00 a.m. to 12:00 a.m. (midnight), Monday through Saturday.

b) Permanent hours

After March 29, 1999, the hours of operation for receiving, storing, processing or transferring source separated recyclable material as specified in Condition A.1 of this Approval, shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday.

2. Residue (Revised 12/29/99)

Residue defined as solid waste shall be transported by a NJDEP registered transporter for disposal pursuant to the applicable district solid waste management plan.

Residue shall be stored separately from recyclable material in containers and in a manner which prevents run-off, leakage or seepage from the residue storage area into, on or around the soil of the residue storage area.

No residue shall be stored on site for a period exceeding six (6) months without prior approval of the NJDEP.

3. Maximum Daily Capacity

The Advanced Enterprises Recycling, Inc. recycling center may receive no more than 500 tons per day of recyclable materials, consisting of 450 tons per day of wood materials and 50 tons per day of uncomposted leaves as specified in Condition A.1 of this Approval.

4. Maximum Weekly Capacity

The Advanced Enterprises Recycling, Inc. recycling center may receive no more than 3,000 tons per week of recyclable materials consisting of 2,700 tons per week of wood materials and 300 tons per week of uncomposted leaves as specified in Condition A.1 of this Approval.

5. Unprocessed Materials Storage

The total amount of unprocessed wood recyclable materials stored on-site shall not exceed 16,620 cubic yards consisting of one (1) stockpile of 5,400 cubic yards, one (1) stockpile of 5,870 cubic yards, one (1) stockpile of 3,350 cubic yards and one (1) stockpile of 2,000 cubic yards as shown on the approved site plan drawing. Unprocessed wood materials stored on-site shall be stored only in those areas designated for that purpose as indicated on the approved site plan drawing.

If at any time, the amount of unprocessed wood material stored on-site exceeds, 16,620 cubic yards, Advanced Enterprises Recycling, Inc. shall immediately cease receiving any unprocessed wood material until the amount of unprocessed material stored on-site falls below 16,620

cubic yards.

Unprocessed recyclable material shall not remain on site, in its unprocessed form, for more than one (1) year.

6. Processed Materials Storage (Revised 12/29/99)

The total amount of processed wood material stored on-site shall not exceed 53,770 cubic yards consisting of two (2) stockpiles of 6,225 cubic yards, one (1) stockpile of 4,715 cubic yards, one (1) stockpile of 1,225 cubic yards, one (1) stockpile of 2,425 cubic yards, one (1) stockpile of 4,045 cubic yards, one (1) stockpile of 4,740 cubic yards, one (1) stockpile of 700 cubic yards, one (1) stockpile of 6,185 cubic yards, one (1) stockpile of 445 cubic yards, one (1) stockpile of 1,600 cubic yards, one (1) stockpile of 4,535 cubic yards and one (1) stockpile of 10,705 cubic yards. Processed wood material stored on-site shall be stored only in those areas as designated for that purpose as indicated on the approved site plan drawings.

If at any time, the amount of processed wood material stored on-site exceeds 53,770 cubic yards, Advanced Enterprises Recycling, Inc. shall immediately cease processing activities until the amount of processed material stored on-site falls below 53,770 cubic yards.

All processed material shall be stored separately from residues.

7. By-Products Storage

By-products shall be stored in the container(s) or area(s) as depicted on the approved site plan and shall be removed off-site to the end markets as referenced in the approved documents.

8. Horizontal and Vertical Controls

Horizontal and vertical control points for the unprocessed and processed materials stockpile areas shall be set and maintained on site. Horizontal limitation markers shall be set at the corners of the stockpile areas as depicted on the approved site plan. Vertical limitation markers shall be set at locations in close proximity of the stockpile areas and shall clearly establish elevation heights of 20 feet above the existing grade.

Metal pipe or metal rods or the equivalent as approved by the Department shall be used to establish these control points.

9. Commingling

Advanced Enterprises Recycling, Inc. may receive, store, process or transfer source separated wood, as described in Condition A.1, separately or in a commingled manner. In addition, Advanced Enterprises Recycling, Inc. may only

receive and store source separated uncomposted leaves separately for processing in accordance with Condition C.10 prohibited.

10. Storage and Processing of Leaves

Source separated leaves which are not decaying or composting may be received by the facility for processing with scrap wood to enhance the final wood chip product. Specific limitations on the storing and processing of leaves are as follows:

- a) Leaves may be received at any time during the year and only if not decaying or composting as evidenced by leachate and/or odor.
- b) Leaves received bagged will be emptied from the bags into the storage area; the bags will be considered residue and handled in accordance with Condition C.2.
- c) Leaves received vacuumed will be deposited into the storage area only if the level of contamination is in accordance with Condition A.3. Clean soil and gravel similar to that, which may adhere to tree stumps, shall not be considered contaminants. Street sweepings and similar debris shall be considered contaminants. Leaves with excessive contamination which were not rejected at inspection in accordance with the Incoming Materials Specification Sheet shall be treated as solid waste and disposed of with residue in accordance with Condition C.2.
- d) Leaves shall be stored separately within an unprocessed materials storage area for no longer than 48 hours after receipt before processing.
- e) Leaves shall be processed by being mixed with wood and fed into a hammer mill or tub grinder as is appropriate for further size reduction and mixing. The mix ratio shall be at least four parts wood to one part leaves (4:1) by volume, up to 5:1. Leaf volume shall be judged based upon "uncompacted leaves" for which nominally 5 cubic yards weighs one ton.
- f) Should objectionable odor or leachate be observed during an inspection of a processed materials storage area containing the wood/leaves mixture, Advanced Enterprises Recycling, Inc. shall reprocess the material by mixing thoroughly with an equal volume of wood chips that does not contain leaves.
- g) Advanced Enterprises Recycling, Inc may accept a maximum of fifty (50) tons per day of leaves.

11. Applicable Regulations

The operation and related activities of this recycling center shall be in conformance with all applicable

federal, State, county, municipal and local statutes, rules and ordinance including but not limited to nuisance, noise, fire and safety codes.

12. Air Pollution Control Permits

Pursuant to N.J.A.C. 7:27-8, an Air Pollution Permit to Construct, Install or Alter Control Apparatus or Equipment and Certificate to Operate Control Apparatus or Equipment shall be obtained for all processing equipment, from the Department's Office of Air Quality Permitting.

All processing equipment shall be operated in a manner which is in compliance with any air pollution control permits issued pursuant to N.J.A.C. 7:27-8 and 7:27-22.

13. Safety Procedures

The operation of the recycling center all be in conformance with the Occupational Safety and Health Act (OSHA) regulations as contained in the General Industry Standards 29 CFR 1910. Construction activities shall be in conformance with the OSHA regulations as contained in the Construction Industry Standards 29 CFR 1926. A copy of the safety procedures shall be posted on site.

14. Housekeeping

Routine housekeeping and maintenance procedures shall be implemented within the recycling center interior to prevent the accumulation of litter, dust and debris, and to maintain general cleanliness in the working environment.

15. Odor Control

(Revised 12/29/99)

The operation of this recycling center shall not cause any air contaminant, including an air contaminant detectable by the sense of smell, to be present in the outdoor atmosphere in such quantity and duration which is, or tends to be, injurious to human health or welfare, animal or plant life or property, except for malodorous emissions emanating from the facility which result in odors in areas over which the owner and/or operator has exclusive use or occupancy.

16. Vector Control

The recycling center shall institute and maintain an effective vector control program at the center, directed by a qualified applicator of pesticides as set forth in the New Jersey Pesticide Control Code, N.J.A.C. 7:30.

17. Dust Control

Dust shall be controlled by the spraying of water, the spreading of calcium chloride or equivalent means as approved by this Division.

18. Noise Control

(Revised 12/29/99)

Noise controls shall be implemented so that noise levels generated at the recycling operation shall not exceed the standards set forth by New Jersey State Noise Control Regulations under N.J.A.C. 7:29-1.2.

19. Fire Protection and Emergency Response (Revised 12/29/99)

Fire fighting and emergency procedures shall be posted, and shall include the telephone number of local fire, police, ambulance and hospital facilities.

If a fire occurs on-site, the facility shall immediately notify the local fire official and within 24 hours report the incident to the DEP Hotline at 1-877-WARNDEP.

20. Entrance Sign

A legible sign shall be posted and maintained at the entrance to the recycling center and indicate the hours of operation of the recycling center as well as the following information:

- a. A listing of the approved recyclable materials as specified in Condition A.1 of this Approval.
- b. The size, weight or other restrictions regarding materials to be received.
- c. A notice that all vehicles delivering materials to be recycling center will be inspected, and if found to contain contaminants greater than 1% by volume, will be rejected.
- d. A notice that persons bringing materials to the recycling center shall complete and certify a materials receipt form.

21. Soil Tracking Control

Mud, soils or other materials shall not be tracked onto any public roads by any exiting vehicles. Effective measures shall be implemented to comply with this condition.

22. Site Access

Ingress and egress of the facility shall be restricted to only the gated entrance on the north property line reached from Doremus Avenue, across part of adjacent Lot 25.

23. Hazardous Waste

(Revised (12/29/99)

Any suspected or prohibited hazardous waste, as define at N.J.A.C. 7:26G-5, found in a load accepted at the facility shall not be returned to the generator. Such materials shall be segregated and stored in a secure manner and shall be immediately reported to the N.J.D.E.P.

Environmental Action Hotline at 1-877-WARNDEP. The owner/operator shall secure the name of the collector/hauler suspected of delivering such waste to the facility and related information surrounding the incident, if available, and shall make this information known to the Department's enforcement personnel.

24. Documents On-Site

A copy of the approved documents as referenced in Condition B.1 and a copy of this approval shall be maintained at the facility and shall be made available for inspection by Department personnel or its designated representatives.

25. End-Markets

All end-markets to which recyclable materials are transported from the recycling center shall remain consistent with those end-markets specified in the approved documents. Any modification in the actual end-market for a recyclable material specified in Condition A.1 shall be in conformance with N.J.A.C. 7:26A-3.10(f).

26. Right of Entry

The New Jersey Department of Environmental Protection shall have the right to enter and inspect, without prior notice, any building or other portion of the recycling center, or any other location of the company or its affiliated companies at any time.

This right to inspect includes, but is not limited to, the right to engage in the following activities:

- a. Sample any materials on site;
- b. Photographing or videotaping any portion of the recycling center;
- c. Investigating an actual or suspected source of pollution of the environment;
- d. Ascertaining compliance or non-compliance with the statutes, rules or regulations of the NJDEP, including conditions of the recycling center approval issued by the NJDEP; or
- e. Reviewing and copying all applicable records, which shall be made available to the NJDEP during an inspection and submitted to the NJDEP upon request.

D. RECORDKEEPING AND REPORTING

1. Recordkeeping

In accordance with N.J.A.C. 7:26A-3.17, Advanced Enterprises Recycling, Inc. shall maintain daily records of all materials received, stored, processed or transferred at the site. Said records shall be available at all times for inspection and shall indicate, at a minimum, the following:

- a. A daily record of the amounts of each recyclable materials by type and municipality of origin which are received, stored, processed or transferred each day, expressed in tons or in cubic yards. Those operators specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons.
- b. The name, address, and telephone number of the end-markets for all recyclable materials transported from the recycling center, including the amount, in tons or cubic yards, transported to each end-market. Those persons specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons. NJDEP reserves the right to verify all end-market information submitted by Advanced Enterprises Recycling, Inc.
- c. The amount of residue disposed of, expressed in tons or cubic yards, including the name and the New Jersey Department of Environmental Protection solid waste registration number of the solid waste collector/hauler contracted to provide the haulage/disposal service. Those persons specifying the amount of residue in cubic yards shall also indicate the conversion ratio of residue from cubic yards to tons.

Advanced Enterprises Recycling, Inc. shall retain the information for three (3) calendar years following the calendar year for which reporting is required.

2. Reporting

a. Annual Report

In accordance with N.J.A.C. 7:26A-3.17, Advanced Enterprises Recycling, Inc. shall submit an annual report containing monthly summary statements of the information required pursuant to Condition D.1 above to the New Jersey Department of Environmental Protection on or before February 1 of each year, for the previous calendar year. The summaries shall include monthly totals of the amount of recyclable material received from each customer by the municipality of origin.

Furthermore, the summaries shall include monthly totals of the amount of recyclable product transferred to each end-market. The summaries shall also include the amount of residue disposed of during each month. An annual fee will be paid to the

Department on May 1, in accordance with N.J.A.C. 7:26A-2.1(b)1;

b. Residue Disposal

Advanced Enterprises Recycling, Inc. shall certify in writing to the Department that all residue generated at the recycling center has been disposed of in accordance with the solid waste management rules at N.J.A.C. 7:26. The certification shall be submitted annually as part of the annual report;

c. Tonnage Report

Advanced Enterprises Recycling, Inc. shall provide a recycling tonnage report by February 1 of each year to all municipalities from which recyclable material was received in the previous calendar year. The report shall detail the amount of each source separated recyclable material, expressed in tons or cubic yards, brought to the recycling center. Those persons specifying this information in cubic yards shall also indicate the conversion ratio of the materials from cubic yards to tons.

One original and one copy of the annual report and tonnage report shall be submitted to:

New Jersey Department of Environmental Protection
Division of Solid and Hazardous Waste
Chief, Bureau of Recycling & Planning
P.O. Box 414
Trenton, New Jersey 08625-0414

Failure to comply with any or all conditions of this Approval will result in the NJDEP seeking relief under the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. Specifically, each day of failure to so comply shall constitute a separate violation on the basis of which a penalty shall be assessed pursuant to N.J.S.A. 13:1E-9 and may subject Advanced Enterprises Recycling, Inc. to regulation as a solid waste facility pursuant to N.J.S.A. 13:1E-1 et seq. and N.J.A.C. 7:26-1 et seq.

The issuance of this Approval and the conditions of operation identified herein shall not be interpreted as relieving the applicant of his responsibility to secure and maintain all other applicable federal, State and local permits or similar forms of authorization relating to the construction and operation of this facility.